

Governor of the State of Texas

TO ALL TO WHOM THESE PRESENTS SHALL COME:

June 17, 1977

As provided under the provisions of Section 14, Article IV of the Constitution of the State of Texas, I disapprove of S.B. 1226 and am filing same with the Secretary of State setting forth the following objections:

I am in favor of the openness of public meetings, deliberations, records, and information; however, I believe we must also protect our citizens against the disclosure of privileged and confidential information that would constitute an invasion of personal privacy. When I signed the Open Records Act into law in 1973, I felt there was a proper balance in the Act between the citizen's right to access to public documents and records and a person's right to privacy from unwarranted disclosure of confidential information in his dealings with a governmental body.

Senate Bill No. 1226 amends Article 6252-17a, Vernon's Texas Civil Statutes, which relates to information in the custody of governmental agencies and bodies. Under the present Open Records Act, there is certain information that is deemed to be confidential -- the disclosure of which would constitute an invasion of personal privacy. This Act would amend present law and allow the custodian of the records of governmental agencies and bodies to reveal any information in his custody at his discretion unless it was specifically prohibited by the law.

This Act further provides that a person who substantially prevails in a writ of mandamus suit to compel a governmental body to make information available for public inspection may recover reasonable attorney's fees and other litigation costs reasonably incurred in the case. I am of the opinion that this provision could encourage and foster unwarranted litigation. In addition, there are no appropriations to governmental bodies to pay attorney's fees and costs of litigation in lawsuits of this nature.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the seal of the State of Texas to be affixed hereto at Austin, Texas, this 17th day of June, 1977.